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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,349	08/31/2006	Jeffery R. Farr	36-2005	9543
23117 7590 09/03/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
WITZENBURG, BRUCE A				
ART UNIT		PAPER NUMBER		
2166				
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09/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/591,349

**Applicant(s)**

FARR ET AL.

**Examiner**

BRUCE A. WITZENBURG

**Art Unit**

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 18-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 and 18-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In response to applicants' amendments filed 4/28/2008, claims 1-16, and 18-34 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-16, 18, 19, and 21-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Reputation System for Peer-to-Peer Networks" Minaxi Gupta, Paul Judge, Mostafa Ammar, hereafter "Gupta A" in view of "A Frequent-Sharer Program for Peer-to-Peer Systems" Minaxi Gupta, Paul Judge, Mostafa Ammar, hereafter "Gupta B" and further in view of Daly et al. (US 5,748,896), hereafter Daly.

Additionally note that reference Gupta B is an initial draft of Gupta A and for purposes of examination will be considered the same invention.

Regarding claim 1, Gupta A discloses a content item provisioning method, comprising the steps:

storing content items for provision to users; (Pg 144, Left Column, lines 22-31 Note the

server nature of the Peer 2 Peer network stores and serves content to be accessed by remote users)

maintaining, for at least one user, respective content access data usable to determine which stored content items items-may be provided to the users; (Pg 144, Right Column, lines 11-13 – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note both references determine breadth of search for the item in relation to reputation);

receiving content items from a particular user for provision to the users; (Pg 144, lines 1-3 Note content download is receipt of an item from a remote user acting as a server for the data)

changing the respective content access data for said particular user from which content are received; (Pg 144, Right Column, lines 11-13; 147, Right Column, lines 46-56; – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note the receipt system and reputation score change accessible content as above) and the content access data comprising a content access value (As above, not the reputation is a reputation value for use by the system)

Note while Gupta A does disclose “providing a sub-set of the stored content items items-to said particular user,” and implies the “members of the sub-set being determined in dependence on the respective content access data of said particular the-user,” (Col 144, Right Column, lines 13-17) a specific dependence is not necessarily disclosed regarding providing the content. Gupta also only implies, but does not

specifically disclose each stored content item having a property value" and "a content access value relating to the property value, wherein the sub-set of the content items is determined in dependence on the respective property values" within the above disclosed determination.

Because file access privileges are well known in the art (Demonstrated by the disclosure of Daly, Col 2, lines 10 - 19) and the disclosure of Gupta already discloses "decisions about who to serve content to" based on how "well-reputed" a peer is it would have been obvious to one of ordinary skill in the art at the time of the invention to include file access privileges for users serving data based on reputation in order to provide a larger number of documents to such "well-reputed" users in order to (as disclosed by Gupta B, Pg 1, Left Column, lines 26-31) "to provide an incentive for the peers in a p2p system to share and serve the content download (or generate), stay online longer and hence contribute to the system in order to receive better service from it"

Regarding claim 2, Gupta A as modified discloses the property values and content access values being times and/or dates (Pg 146, Right Column, lines 42-46).

Regarding claim 4, Gupta A as modified discloses multiple sets of content items being stored, and respective content access data being maintained for one or more of the sets

of content items (Pg 149, Left Column, lines 1-19 and Pg 147, Right Column, lines 46-56).

Regarding claim 5, Gupta A as modified discloses content access data for one set being changed in dependence on receipt from users of content items for that set (Pg 144, Left Column, lines 7-15 Note the objective criteria depend on a user receipt as shown in Pg 147, Right Column, lines 46-56).

Regarding claim 6, Gupta A as modified discloses content access data for one set being changed in dependence on the receipt from users of content items for another set or sets (Pg 144, Left Column, lines 7-15 Note the objective criteria depend on a user receipt as shown in Pg 147, Right Column, lines 46-56 for the content being received and past content).

Regarding claim 7, Gupta A as modified discloses the content access values being changed so as to increase the content items provided in the sub-set (Pg 144, Left Column, lines 7-15 Note that serving data inherently gains the user greater access to content in the implementation of Gupta).

Regarding claim 8, Gupta A as modified discloses the content access values being changed to give a fixed change in the content items with which the users are provided in the sub-set (Pg 144, Left Column, lines 7-15 and Pg 149, Right Column, lines 10-21

Note the implementation of Gupta is a reputation system to be combined with existing peer to peer systems which already offer different levels of access to content).

Regarding claim 9, Gupta A as modified discloses the step of receiving rating data specifying a rating given to a content item by a user, wherein the changing step comprises changing the content access value for the user from which the content item which was rated was received in dependence on the received rating data (Pg 144, Left Column, lines 7-15 and Pg 145, Right Column, lines 1-21 and Pg 145 Figure 1 Note quality is a determining factor in the reputation score and is inherently an objective metric and as such must be a user-defined criteria).

Regarding claim 10, Gupta A as modified discloses the rating is weighted according to the content access value of the rating user (Pg 149, Left Column, lines 47-50).

Regarding claim 11, Gupta A as modified discloses the changing step further comprising receiving requests for specific content items from the users, and changing the content access value for the user from which the requested content item was received (Pg 147, Right Column, lines 46-50 Note this metric is use to calculate reputation).

Regarding claim 12, Gupta A as modified discloses the changing step further comprising monitoring time or date at which a first content item is received in relation to

the time or date a second content item is received (Pg 146, Right Column, lines 42-46), and changing the content access value of the user from the which first content item was received in dependence on a difference between the times and/or dates (Pg 146, Right Column, lines 42-46 Note that upon expiration, the first receipt no longer gives credit and thus the reputation score is decreased).

Regarding claim 13, Gupta A as modified discloses the changing step further comprising monitoring the time since the receipt of a content item (Pg 146, Right Column, lines 42-46), and changing the content access value of the user from which the content item was received in dependence on the monitored time (Pg 146, Right Column, lines 42-46 Note expiration is based upon a metric of time and is used to calculate reputation).

Regarding claim 14, Gupta A as modified discloses further comprising the step of permitting a user to perform manipulations of the stored content items in dependence on the user's content access level (inherent in Pg 149, Left Column, lines 47-50 as a bad reputation score would disqualify some users from carrying out operations like rating content which is inherent as shown concerning claim 9 above).

Regarding claim 15, Gupta A as modified discloses collectively performing [the method of claim 1] by at least a sub-set of peers within a peer to peer network (Pg 144, Left

Column, lines 1-6 Note that a transaction between some users of a peer-to-peer network is inherently a subset of the total network).

Regarding claim 16, Gupta A as modified discloses a computer program or suite of computer programs stored on a computer module storage medium and arranged such that when executed by a computer system or a plurality of computer systems it/they cause the computer system or systems to perform the method of any of the preceding claims (Inherent in Pg 144, Left Column, lines 1-6 Note a peer-to-peer network allows participation through a controlling software suite).

Regarding claim 18, Gupta A discloses a content item provisioning system, comprising: content storage arranged in use to store content items for provision to users; (Pg 144, Left Column, lines 22-31 Note the server nature of the Peer 2 Peer network stores and serves content to be accessed by remote users)  
data storage arranged in use to store, for at least one user, respective content access data usable to determine which stored content items may be provided to the users; (Pg 144, Right Column, lines 11-13 – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note both references determine breadth of search for the item in relation to reputation)  
first receiving means for receiving content items from a particular user for provision to the users; (Pg 144, lines 1-3 Note content download is receipt of an item from a remote user acting as a server for the data)

a data processor arranged in use:

i) to change the respective content access data for said particular user from which content items are received; (Pg 144, Right Column, lines 11-13; 147, Right Column, lines 46-56; – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note the receipt system and reputation score change accessible content as above) and

the content access data comprising a content access value (As above, not the reputation is a reputation value for use by the system)

Note while Gupta A does disclose "determining a sub-set of the stored content items items-to said particular user," and implies the "the sub-set of the content items being determined in dependence on the respective property values" (Col 144, Right Column, lines 13-17) a specific dependence is not necessarily disclosed regarding providing the content. Gupta also only implies, but does not specifically disclose each stored content item having a property value" and "a content access value relating to the property value, wherein the sub-set of the content items is determined in dependence on the respective property values" within the above disclosed determination.

Because file access privileges are well known in the art (Demonstrated by the disclosure of Daly, Col 2, lines 10 - 19) and the disclosure of Gupta already discloses "decisions about who to serve content to" based on how "well-reputed" a peer is it would have been obvious to one of ordinary skill in the art at the time of the invention to

include file access privileges for users serving data based on reputation in order to provide a larger number of documents to such "well-reputed" users in order to (as disclosed by Gupta B, Pg 1, Left Column, lines 26-31) "to provide an incentive for the peers in a p2p system to share and serve the content download (or generate), stay online longer and hence contribute to the system in order to receive better service from it"

Regarding claim 19, claim 19 discloses limitations similar to claim 2 above and is rejected for substantially the same reason.

Regarding claim 21, claim 21 discloses limitations similar to claim 4 above and is rejected for substantially the same reason.

Regarding claim 22, claim 22 discloses limitations similar to claim 5 above and is rejected for substantially the same reason.

Regarding claim 23, claim 23 discloses limitations similar to claim 6 above and is rejected for substantially the same reason.

Regarding claim 24, claim 24 discloses limitations similar to claim 7 above and is rejected for substantially the same reason.

Regarding claim 25, claim 25 discloses limitations similar to claim 8 above and is rejected for substantially the same reason.

Regarding claim 26, claim 26 discloses limitations similar to claim 9 above and is rejected for substantially the same reason.

Regarding claim 27, claim 27 discloses limitations similar to claim 10 above and is rejected for substantially the same reason.

Regarding claim 28, claim 28 discloses limitations similar to claim 11 above and is rejected for substantially the same reason.

Regarding claim 29, claim 29 discloses limitations similar to claim 12 above and is rejected for substantially the same reason.

Regarding claim 30, claim 30 discloses limitations similar to claim 13 above and is rejected for substantially the same reason.

Regarding claim 31, claim 31 discloses limitations similar to claim 14 above and is rejected for substantially the same reason.

Regarding claim 32, claim 32 discloses limitations similar to claim 15 above and is rejected for substantially the same reason.

Regarding claim 33, Gupta A discloses a content item provisioning method, comprising the steps: storing data defining access to content items for provision to users; (Pg 144, Left Column, lines 22-31 Note the server nature of the Peer 2 Peer network stores and serves content to be accessed by remote users)

maintaining, for at least one user, respective content access data usable to determine which stored data defining access to content items may be provided to the users; (Pg 144, Right Column, lines 11-13 – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note both references determine breadth of search for the item in relation to reputation)

receiving data defining access to content items from a particular user for provision to the users; (Pg 144, lines 1-3 Note content download is receipt of an item from a remote user acting as a server for the data)

changing the respective content access data for said particular user from which data defining access to content items are received; (Pg 144, Right Column, lines 11-13; 147, Right Column, lines 46-56; – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note the receipt system and reputation score change accessible content as above) and  
the content access data comprising a content access value (As above, not the reputation is a reputation value for use by the system)

Note while Gupta A does disclose "determining a sub-set of the stored content items items-to said particular user," and implies the "the sub-set of the content items being determined in dependence on the respective property values" (Col 144, Right Column, lines 13-17) a specific dependence is not necessarily disclosed regarding providing the content. Gupta also only implies, but does not specifically disclose each stored content item having a property value" and "a content access value relating to the property value, wherein the sub-set of the content items is determined in dependence on the respective property values" within the above disclosed determination.

Because file access privileges are well known in the art (Demonstrated by the disclosure of Daly, Col 2, lines 10 - 19) and the disclosure of Gupta already discloses "decisions about who to serve content to" based on how "well-reputed" a peer is it would have been obvious to one of ordinary skill in the art at the time of the invention to include file access privileges for users serving data based on reputation in order to provide a larger number of documents to such "well-reputed" users in order to (as disclosed by Gupta B, Pg 1, Left Column, lines 26-31) "to provide an incentive for the peers in a p2p system to share and serve the content download (or generate), stay online longer and hence contribute to the system in order to receive better service from

Regarding claim 34, Gupta A discloses a content item provisioning system, comprising: content storage arranged in use to store data defining access to content items for

provision to users; (Pg 144, Left Column, lines 22-31 Note the server nature of the Peer 2 Peer network stores and serves content to be accessed by remote users)

data storage arranged in use to store, for at least one user, respective content access data usable to determine which stored data defining access to content items may be provided to the users; (Pg 144, Right Column, lines 11-13 – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note both references determine breadth of search for the item in relation to reputation)

first receiving means for receiving data defining access to content items from a particular user for provision to the users; (Pg 144, lines 1-3 Note content download is receipt of an item from a remote user acting as a server for the data)

a data processor arranged in use:

i) to change the respective content access data for said particular user from which data defining access to content items are received; (Pg 144, Right Column, lines 11-13; 147, Right Column, lines 46-56; – Additionally in Gupta B Pg 2, Right Col, lines 39 - 49; Pg 4, Left Column, lines 1-7 Note the receipt system and reputation score change accessible content as above) and

the content access data comprising a content access value (As above, not the reputation is a reputation value for use by the system)

Note while Gupta A does disclose "providing a sub-set of the stored content items items-to said particular user," and implies the "members of the sub-set being determined in dependence on the respective content access data of said particular the-

user," (Col 144, Right Column, lines 13-17) a specific dependence is not necessarily disclosed regarding providing the content. Gupta also only implies, but does not specifically disclose each stored content item having a property value" and "a content access value relating to the property value, wherein the sub-set of the content items is determined in dependence on the respective property values" within the above disclosed determination.

Because file access privileges are well known in the art (Demonstrated by the disclosure of Daly, Col 2, lines 10 - 19) and the disclosure of Gupta already discloses "decisions about who to serve content to" based on how "well-reputed" a peer is it would have been obvious to one of ordinary skill in the art at the time of the invention to include file access privileges for users serving data based on reputation in order to provide a larger number of documents to such "well-reputed" users in order to (as disclosed by Gupta B, Pg 1, Left Column, lines 26-31) "to provide an incentive for the peers in a p2p system to share and serve the content download (or generate), stay online longer and hence contribute to the system in order to receive better service from it"

3. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Gupta A" in view of "Gupta B" in further view of Daly et al. (US 5,748,896), hereafter Daly and in further view of Nye et al. (US 2002/0156917) hereafter Nye.

Regarding claim 3, Gupta does not specifically disclose the property values and content access values being geographical positions. Nye discloses a peer to peer network including geographical locations in order to provide fresher indexing data (Abs), and it would have been obvious to one of ordinary skill in the art at the time of the invention to include location information in order to increase efficiency and provide fresher data by including geographic information to the peer-to-peer environment of Gupta.

Regarding claim 20, claim 20 discloses limitations similar to claim 3 above and is rejected for substantially the same reason.

### ***Response to Amendment***

Regarding applicants' arguments concerning the rejection of the above mentioned claims, the arguments have been considered but are moot in light of the new grounds of rejection which was necessitated by amendment presented above.

### ***Conclusion***

The additional prior art made of reference in this case is as follows:

- a. Daly et al. (US 5,748,896)
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE A. WITZENBURG whose telephone number is (571)270-1908. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. W./  
Examiner, Art Unit 2166

/Hosain T Alam/  
Supervisory Patent Examiner, Art Unit 2166